



AF

**Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 3700**

PATENT  
ATTORNEY DOCKET NO.: 040894-7167

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Toshio SHIMIZU et al. ) Confirmation No.: 3575  
Application No.: 10/522,178 ) Group Art Unit: 3721  
Filed: January 24, 2005 ) Examiner: B. Nash  
For: STAPLER AND CARTRIDGE ) Mail Stop AF

**Mail Stop AF**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window  
Alexandria, VA 22314

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116 TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 responding to the Final Office Action dated May 4, 2007.
2. Additional papers enclosed:

- Replacement Drawings  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- Applicants petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| Total Months Requested                | Fee for Extension | [Fee for Small Entity] |
|---------------------------------------|-------------------|------------------------|
| <input type="checkbox"/> one month    | \$ 120.00         | \$ 60.00               |
| <input type="checkbox"/> two months   | \$ 450.00         | \$ 225.00              |
| <input type="checkbox"/> three months | \$ 1,020.00       | \$ 510.00              |
| <input type="checkbox"/> four months  | \$ 1,590.00       | \$ 795.00              |

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

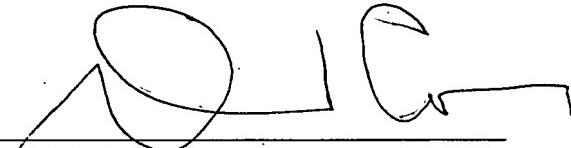
| CLAIMS AS AMENDED                                     |                                  |       |                             |               |               |            |
|---|----------------------------------|-------|-----------------------------|---------------|---------------|------------|
|   | Claims Remaining After Amendment |       | Highest No. Previously Paid | Present Extra | at Rate of    | Total Fees |
| Total Claims (37 C.F.R. §1.16(c))                     | 5                                | minus | 20                          | 0             | x \$50 each=  | + \$       |
| Independent Claims (37 C.F.R. §1.16(b))               | 2                                | minus | 3                           | 0             | x \$200 each= | + \$       |
| [ ] First presentation of Multiple dependent claim(s) |                                  |       |                             |               | \$360.00      | + \$       |
| SUB-TOTAL =   |                                  |       |                             |               |               | \$         |
| Reduction by ½ for filing by a small entity           |                                  |       |                             |               |               | - \$       |
| TOTAL FEE =   |                                  |       |                             |               |               | \$         |

6. Fee Payment

- No fee is to be paid at this time.
- The Commissioner is hereby authorized to charge \_\_\_\_\_ for \_\_\_\_\_ to Deposit Account 50-0310.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
David E. Connor  
Reg. No. 59,868

Dated: July 24, 2007

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3001



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In response to the Final Office Action dated May 4, 2007, and pursuant to 37 C.F.R. § 1.116, the period for response to which extends through August 6, 2007 (August 4, 2007 being a Saturday), entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.